

REMARKS

This Amendment is submitted in reply to the non-final Office Action mailed on July 31, 2006. A petition for a three month extension of time is submitted herewith. The Director is authorized to charge \$1020.00 for the petition for extension of time and any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-375 on the account statement.

Claims 1-6 and 12-15 are currently pending in the application. Claims 2, 5, and 12 have been canceled without prejudice or disclaimer. Claims 1, 3, 13 and 15 have been amended per suggestions from the Patent Office. These amendments do not add new matter. In view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the rejections are improper and should be withdrawn.

In the Office Action, Claim 12 is rejected under U.S.C. § 112, second paragraph as being indefinite for depending upon canceled Claim 7. In response, Claim 12 is canceled without prejudice or disclaimer.

Claim 13 is rejected under 35 U.S.C. §101 for being directed to non-statutory subject matter. In response, Claim 13 has been amended to recite, in part, wherein said beans comprise said antisense cassette. This amendment does not add new matter. The amendment is supported in the specification at, for example, page 7, lines 20-25.

Based on at least these noted reasons, Applicants believe that Claim 13 fully complies with 35 U.S.C. §101. Accordingly, Applicants respectfully request that the rejection of Claim 13 under 35 U.S.C. §101 be withdrawn.

In the Office Action, Claims 1-6 and 12-15 are rejected under 35 U.S.C. §112, first paragraph as failing to comply with both the enablement and written description requirements. In response, Claims 1, 3, 13 and 15 have been amended per suggestions from the Patent Office. Claims 1 and 15 have been amended to recite, in part, wherein the coffee plant cell comprises an antisense cassette comprising a full-length α -D-galactosidase coding sequence from coffee operably linked to a promoter in antisense orientation. Claim 3 has been amended to recite, in part, the coffee plant cell according to Claim 1, wherein the promoter is a constitutive or inducible promoter. These amendments do not add new matter. The amendments are supported

in the specification at, for example, page 5, line 25; page 6, lines 16-20; page 7, lines 2-25; and page 9, lines 7-20.

Based on at least these noted reasons, Applicants believe that Claims 1, 3, 13 and 15 fully comply with 35 U.S.C. §112, first paragraph. Accordingly, Applicants respectfully request that the rejection of independent Claims 1, 3, 13 and 15 and Claims 4 and 14 that depend therefrom under 35 U.S.C. §112, first paragraph be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Robert M. Barrett
Reg. No. 30,142
Customer No. 29157

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